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6 Honorable Franklin D. Burgess
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 SYLVIA BOSKOVICH, an individual,

12 Plaintiff,

13 v.

14 CITY OF TACOMA, a governmental entity under
15 the laws of the State of Washington,

16 Defendant.

17 NO. C05-5099FDB

18 STIPULATION FOR
19 PROTECTIVE ORDER
20 REGARDING PLAINTIFF'S
21 MEDICAL/COUNSELING
22 RECORDS, PERSONAL AND
23 FAMILY INFORMATION AND
24 DEPOSITION TESTIMONY

15 STIPULATION

16 COME NOW the parties, by and through their attorneys of record, and hereby stipulate
17 to the entry of a Protective Order regarding the Plaintiff's medical/counseling records, sensitive
18 personal information and deposition testimony. The form and substance of the Protective Order
19 stipulated to are set forth below.

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24 STIPULATION FOR PROTECTIVE ORDER REGARDING PLAINTIFF'S
MEDICAL/COUNSELING RECORDS, PERSONAL INFORMATION
AND DEPOSITION TESTIMONY - 1

1 DATED this _____ day of _____, 2006.

2 STRITMATTER KESSLER WHELAN
3 WITHEY COLUCCIO

TACOMA CITY ATTORNEY
CIVIL DIVISION

5 MICHAEL WITHEY, WSBA #4787
6 KEVIN COLUCCIO, WSBA #16245
Counsel for Plaintiff

JEAN HOMAN, WSBA #27084
Counsel for Defendant

7 ORDER

8 Based upon the parties' foregoing stipulation and agreement, IT IS HEREBY ORDERED
9 that the Plaintiff's medical and counseling records (including mental health records), prior family
10 history and mental health treatment and counseling, including her social security number, and
11 any portions of deposition testimony relating to Plaintiff's family history and mental health
12 treatment and counseling provided by Plaintiff Sylvia Boskovich or any other deponent in these
13 proceedings shall be subject to the Protective Order. The Plaintiffs' medical and counseling
14 records (including mental health records), medical history and sensitive personal information,
15 including social security number, and any portions of deposition testimony relating to Plaintiff's
16 family history and mental health treatment and counseling provided by Plaintiff or any other
17 deponent in this litigation regarding the Plaintiff including, but not limited to, any documents or
18 deposition testimony discussing such medical records, counseling records, medical history and
19 sensitive personal information, are to be referred to as "Protection Documents" as hereinafter set
20 forth.

21 1. The term "Protected Documents" as used herein, shall mean any document
22 produced during discovery that relates to the Plaintiff's medical treatment (including mental
23 health treatment), consultation and history. The term "Protected Documents" as used herein shall
24 STIPULATION FOR PROTECTIVE ORDER REGARDING PLAINTIFF'S
MEDICAL/COUNSELING RECORDS, PERSONAL INFORMATION
AND DEPOSITION TESTIMONY - 2

1 also mean any document pertaining to personal information regarding the Plaintiff, including, but
2 not limited to, tax returns, W-2's, insurance policies, social security, employment records and
3 school records. A "Protected Document" shall continue to be a "Protected Document" until such
4 time as the parties agree in writing that the document is no longer considered to be a "Protected
5 Document" or there is a finding by this Court that the document is not the proper subject of
6 protection under Federal Rules of Civil Procedure. Nothing herein shall preclude the use of any
7 "protected document" at trial, subject to the applicable rules of evidence and any further
8 protective orders entered by the court.

9 2. Without further order of this Court, the Defendant and his representative may
10 show "Protected Documents" and may disclose the contents thereof, only to the following
11 persons (hereinafter referred to as "qualified persons"):

- 12 a. The Defendant in this action and his insurer's representative;
- 13 b. Counsel of record in this action for the Defendant;
- 14 c. Regular employees of such counsel assigned to and necessary to assist
15 such counsel in the preparation or trial of this action;
- 16 d. Experts including all consulting and potential trial experts, to the extent
17 necessary for preparation of an opinion or testifying by that expert, subject
18 to all of the terms and conditions of this Order, provided that opposing
19 counsel will agree that all such experts must be bound by the terms of this
20 Order, and provided that all such experts will execute the attached
21 "Acknowledgement of Receipt of Protective Order"; and
- 22 e. The Court.

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24 STIPULATION FOR PROTECTIVE ORDER REGARDING PLAINTIFF'S
MEDICAL/COUNSELING RECORDS, PERSONAL INFORMATION
AND DEPOSITION TESTIMONY - 3

1 Every "Protected Document" shall remain at all times under the custody of counsel for
2 the party or parties obtaining such documents, and /or persons as defined in paragraph 2.

3. After termination of this litigation, including any appeals, the provisions of this
4 order shall continue to be binding, except with respect to those documents and information that
5 become a matter of public record. This Court retains and shall have jurisdiction over the parties
6 and recipients of the "Protected Document" for enforcement of the provisions of this Protective
7 Order following termination of this litigation.

8. Any "Protected Documents" that either of the parties file in this case shall be filed
9 under seal, enclosed in an envelope with the following coversheet/label:

10 "CONFIDENTIAL DOCUMENT"

11 "PURSUANT TO PROTECTIVE ORDER"

12 United States District Court, Western District of Washington at Tacoma

13 NO. C05-5099FDB

14 This same notation will also be on the face of each protected document in red ink.

15 IT IS HEREBY ORDERED this 7th day of February 2006.

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19 FRANKLIN D. BURGESS
20 UNITED STATES DISTRICT JUDGE

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24 STIPULATION FOR PROTECTIVE ORDER REGARDING PLAINTIFF'S
MEDICAL/COUNSELING RECORDS, PERSONAL INFORMATION
AND DEPOSITION TESTIMONY - 4

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2 PRESENTED BY:
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4 STRITMATTER KESSLER WHELAN
5 WITHEY COLUCCIO
6
7 MICHAEL E. WITHEY, WSBA 4787
8 KEVIN COLUCCIO, WSBA 16245
9 Counsel for Plaintiff
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11 TACOMA CITY ATTORNEY
12 CIVIL DIVISION
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24 STIPULATION FOR PROTECTIVE ORDER REGARDING PLAINTIFF'S
MEDICAL/COUNSELING RECORDS, PERSONAL INFORMATION
AND DEPOSITION TESTIMONY - 5